

## **Remarks**

Claims 38 to 44 of this application were rejected in the Office Action mailed on July 19, 2005. Upon entry of the foregoing amendment, claims 38 to 40 and 43 to 45 are cancelled. New claim 46 is added. Accordingly, claims 41 to 42, and 46 are currently pending in the instant application. Without acceding to the Examiner's assertions and purely in the interests of advancing this case to allowance, Applicants have amended claims 41 to 42. Applicants also respectfully assert that no new matter is introduced by the addition of new claim 46 into the instant application.

### **Claim Rejections Under 35 USC § 112, 2<sup>nd</sup> ¶**

Claims 39 to 44 were rejected "as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention." The Examiner asserted that "the referencing to the compound of claim 38 would be improper, and the compound of formula I should be recited in those claims."

Applicants have cancelled claims 39 to 40, and 43, and amended claims 41 and 42. Therefore, Applicants respectfully assert the rejection under 35 USC § 112, 2<sup>nd</sup> Paragraph should be withdrawn.

Claims 41 and 42 were also rejected, based on "the subject to whom the compound of Formula I is administered is missing but is required." Applicants have amended these claims herein to indicate to whom the compound of formula I is administered. Accordingly, Applicants respectfully request the rejection under 35 USC § 112, 2<sup>nd</sup> Paragraph be withdrawn.

Accordingly, Applicants respectfully assert that all the rejections have been overcome and should be withdrawn. Early notice of allowance of this case is requested.

**Conclusion**

Applicants respectfully request that a timely Notice of Allowance be issued in this case.

If any fee is required for the filing of this response, including extensions of time for which Applicants hereby petition, please charge all such required fees to Deposit Account No. 500329.

Respectfully submitted,



Date: October 10, 2005

PC10925B US

Keith D. Hutchinson (Reg. No. 43,687)  
Attorney for Agouron Pharmaceuticals, Inc./  
A Pfizer Company  
10777 Science Center Drive  
San Diego, CA 92121  
(858) 526-4608 tel  
(858) 678-8233 fax